

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 05, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN MANUEL LOZANO,

Defendant.

No. 4:21-CR-06040-MKD

ORDER RESETTING SENTENCING  
HEARING AND DIRECTING  
DEFENSE COUNSEL TO FILE  
INTERPRETER'S CERTIFICATION

On January 4, 2024, this case was set for sentencing. AUSA Michael Murphy appeared on behalf of the United States. William McCool appeared on behalf of Defendant, who was also present. The below Order summarizes and supplements the Court's oral rulings.

At the hearing, Mr. McCool indicated that he had not reviewed the Presentence Investigation Report (PSR) with Defendant. Mr. McCool stated he had only reviewed the PSR with Defendant's wife, who then communicated with Defendant.

1 At sentencing, the Court “must verify that the defendant and the defendant’s  
2 attorney have read and discussed the presentence report and any addendum to the  
3 report,” pursuant to Fed. R. Crim. P. 32(i)(1)(A). Because the Court could not so  
4 verify, the sentencing could not proceed as scheduled. The Court confirmed that  
5 Mr. Murphy and Mr. McCool were available on January 19, 2024, at 12:00 p.m. in  
6 Richland for the sentencing in this matter. Mr. McCool confirmed he would be  
7 able to review the PSR with Defendant and a certified interpreter before that date.  
8 Additionally, Mr. Murphy and Mr. McCool confirmed that the parties will not need  
9 more than 1 hour and 45 minutes to complete the sentencing hearing, as the  
10 Court’s January 19 schedule cannot accommodate any longer proceedings.

11 The Court ordered Mr. McCool to file a certification from the interpreter  
12 confirming that the interpreter is certified to provide Spanish interpretation  
13 services in federal or state court and that the interpreter fully interpreted Mr.  
14 McCool’s review and discussion of the PSR and PSR Addenda<sup>1</sup> with Defendant.  
15 The Court notes that defense counsel was previously advised to obtain professional  
16 legal interpretation, rather than relying on informal interpretation by Defendant’s  
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18 <sup>1</sup> The Court observes that there are, in fact, two Addenda to the PSR—U.S.  
19 Probation was required to file a second Addendum due to Mr. McCool’s failure to  
20 meet the PSR objections deadline for the original Addendum. *See* ECF No. 60.

1 family members, to review the Plea Agreement with Defendant, so it is unclear  
2 why he did not do so now.

3 The Court underscores that all facts currently before the Court indicate that  
4 this delay, as with the host of other delays in these sentencing proceedings outlined  
5 above, is solely attributable to Mr. McCool and not attributable to Defendant.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. A sentencing hearing is **RESET** for **January 19, 2024**, at **12:00 p.m.** in  
8 Richland Courtroom 189.

9 2. **By no later than January 17, 2024**, defense counsel William McCool  
10 **shall:**

11 a. **review and discuss** the Presentence Investigation Report, ECF  
12 No. 59; the Addendum to the Presentence Investigation Report,  
13 ECF No. 60; and the Second Addendum to the Presentence  
14 Investigation Report, ECF No. 76, with Defendant and with the  
15 assistance of **an interpreter certified to provide Spanish**  
16 **interpretation services in federal or state court;** and

17 b. **file** a certification from that interpreter confirming (i) that they are  
18 certified to provide Spanish interpretation services in federal or  
19 state court and (ii) that they provided interpretation for Mr.  
20 McCool's and Defendant's full review and discussion of the

1 Presentence Investigation Report, ECF No. 59; the Addendum to  
2 the Presentence Investigation Report, ECF No. 60; and the Second  
3 Addendum to the Presentence Investigation Report, ECF No. 76.

4 **3. The Court reiterates its previous warning that sanctions will be**  
5 **imposed upon defense counsel for the failure to meet any future**  
6 **deadlines. ECF No. 72 at 3. This includes any failure by defense**  
7 **counsel to be fully prepared to proceed with the January 19**  
8 **sentencing.**

9 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
10 this Order and provide copies to counsel, the United States Probation Office, and  
11 the United States Marshals Service.

12 DATED January 5, 2024.

13 s/Mary K. Dimke  
14 MARY K. DIMKE  
15 UNITED STATES DISTRICT JUDGE  
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